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LETTER DATED 21 APRIL 1991 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit herewith the letter dated 21 April 1991 addressed to you by the Minister for Foreign Affairs of Iraq, Mr. Ahmed Hussein, together with its annex containing the memorandum of understanding signed with your representative on 18 April 1991. In the letter, Iraq requests the United Nations, in accordance with the agreement concluded at Baghdad on 18 April 1991 between the Government of Iraq and the United Nations, to assume responsibility for the relief centres established in the Zakhou region in northern Iraq by United States armed forces and the forces of other foreign States cooperating with them.

I should be grateful if you would arrange for the text of this letter and its annex to be circulated as a document of the Security Council.

(Signed) Abdul Amir A. AL-ANBARI
Ambassador
Permanent Representative

ANNEX

Letter dated 21 April 1991 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

As you are certainly aware, United States armed forces and the forces of other foreign countries cooperating with them have entered the Zakhou region in northern Iraq. The objective of this operation has been stated to be the establishment in Iraqi territory of centres for assisting displaced Iraqi citizens in Turkey. You are also aware that the Government of Iraq is opposed to this measure, since it would constitute a serious, unjustifiable and unfounded attack on the sovereignty and territorial integrity of Iraq.

This measure was announced at a time when the Iraqi Government had made significant progress in its negotiations with Prince Sadruddin Aga Khan, the representative to whom you have entrusted responsibility for relief operations. Steps to carry out the above-mentioned measure were taken on 20 April 1991, even though the Government of Iraq had signed a comprehensive agreement with your representative on 18 April, which provided for the establishment of humanitarian centres throughout Iraq, and in particular in the northern part of the country, with a view to undertaking the assistance operations necessary to induce Iraqi citizens displaced outside Iraq's frontiers to return in complete security to their places of residence in Iraq. It should be pointed out that the Government of Iraq, while opposing the steps taken by United States forces and the foreign forces cooperating with them for the reasons stated above, has not hindered these operations because it is not opposed to the provision of humanitarian assistance to Iraqi citizens who are in need of it and because it wishes to avoid any complication that may prevent the return of all Iraqi citizens in security to their places of residence.

Because the measures taken by the United States forces and the forces cooperating with them constitute a flagrant violation of Iraq's sovereignty and territorial integrity, and bearing in mind our opposition to the creation of centres under United States control inside Iraqi territory and our belief that the agreement which our Government concluded with your representative on 18 April 1991 has made it possible to define all relief operations in Iraq in an integrated and balanced manner, particularly those targeted to Kurds who are Iraqi citizens in such a way as to avoid the realization of the alleged objectives of the United States centres and to remove any justification for the establishment of such centres, which would in one way or another impair Iraq's sovereignty, the Government of Iraq, in pursuance of the above-mentioned agreement, is approaching you to request the United Nations to assume responsibility for the centres referred to above and to have the coordinator appointed by your representative, who is at the present time in Baghdad, immediately to take the measures necessary for the achievement of the purpose which we have described above. I can assure you that my Government

will provide you with all necessary assistance in accordance with the above-mentioned agreement. Please find enclosed the memorandum of understanding signed with your representative on 18 April 1991.

(Signed) Ahmed HUSSEIN
Minister for Foreign Affairs of Iraq

Baghdad, 21 April 1991

Enclosure

[Original: English]

Memorandum of Understanding signed on 18 April 1991

This memorandum summarizes the results of discussions held in Baghdad between the Government of the Republic of Iraq, in the context of its request to the Secretary-General of the United Nations in relation to the suffering of the Iraqi population affected by recent events and Security Council resolution 688 of 5 April 1991, which has not been accepted by the Government of Iraq, and:

(a) From 13 to 18 April 1991, the United Nations Mission led by Mr. Eric Suy, Personal Representative of the United Nations Secretary-General, and

(b) From 16 to 18 April, the United Nations Inter-Agency Mission led by Prince Sadruddin Aga Khan, Executive Delegate of the United Nations Secretary-General for the United Nations Humanitarian Programme for Iraq, Kuwait and the Iraq/Iran and Iraq/Turkey Border Areas.

Both Missions have been welcomed by the Government of Iraq.

1. Both sides recognize the importance and urgency of adequate measures, including the provision of humanitarian assistance, to alleviate the suffering of the affected Iraqi civilian population.

2. The Government of the Republic of Iraq welcomes the United Nations efforts to promote the voluntary return home of Iraqi displaced persons and to take humanitarian measures to avert new flows of refugees and displaced persons from Iraq. It pledges its full support to and cooperation with the United Nations and its specialized agencies and programmes in this regard.

3. Both sides agree that the measures to be taken for the benefit of the displaced persons should be based primarily on their personal safety and the provision of humanitarian assistance and relief for their return and normalization of their lives in their places of origin.

4. For this purpose, the Government of the Republic of Iraq agrees to cooperate with the United Nations to have a humanitarian presence in Iraq, wherever such presence may be needed, and to facilitate it through the adoption of all necessary measures. This shall be ensured through the establishment of United Nations sub-offices and Humanitarian Centres (UNHUCs), in agreement and cooperation with the Government of Iraq.

5. Each Centre will be staffed by United Nations civilian personnel which, in addition to the regular staff members of the relevant United Nations agencies, may also include staff co-opted from the non-governmental organizations, the International Committee of the Red Cross and the League of

Red Cross and Red Crescent Societies. The Red Crescent Society of Iraq shall be called upon to play a role in the implementation of humanitarian assistance and relief projects.

6. UNHUCs shall facilitate the provision of humanitarian assistance to the needy and would include, inter alia, food aid, medical care, agricultural rehabilitation, shelter and any other humanitarian and relief measures geared to the speedy normalization of life, in conformity with the principles of this memorandum. UNHUCs shall also monitor the overall situation in this regard to advise the Iraqi authorities regarding measures needed to enhance their work.

7. Routes of return, with relay stations along the way as well as logistic back-up capabilities, will be set up urgently in cooperation with the Iraqi authorities to provide to civilians, particularly the women and children as well as the aged and the sick going back to their home areas, the food aid, shelter and basic health care they will need along the way. United Nations staff will accompany such groups, as required.

8. The United Nations shall take urgent measures, in cooperation with the Government of Iraq, for the early stationing of staff as well as the provision of assistance and relief in all designated centres and, as a matter of priority, those close to the Iraqi borders with its neighbouring countries. For this purpose, the United Nations may, in agreement and cooperation with the Government of Iraq, organize air lifts to the areas concerned, as required, as well as transportation by road of humanitarian assistance and relief goods from and through the neighbouring countries under United Nations or other humanitarian auspices. The Government of the Republic of Iraq shall adopt the necessary measures in order to render such aid in a speedy and effective manner.

9. United Nations humanitarian assistance and relief shall be provided simultaneously to the displaced persons, returnees as well as all other populations covered by the relief Programme in order to encourage a speedy normalization of life.

10. The basic framework for United Nations humanitarian action outlined above is intended to facilitate the task of coordination, effective implementation and monitoring of humanitarian assistance and relief operations. Further specifications are contained in the paragraphs which follow.

11. It is agreed that humanitarian assistance is impartial and that all civilians in need, wherever they are located, are entitled to receive it.

12. All Iraqi officials concerned, including the military, will facilitate the safe passage of emergency relief commodities throughout the country.

13. The Government will establish forthwith, together with the United Nations, a relief distribution and monitoring structure to permit access to all civilians covered by the relief Programme, as soon as possible.

14. A Coordinator, at the Assistant Secretary-General level, has been assigned to Baghdad to coordinate, under the Executive Delegate's direction, the implementation of the Humanitarian Relief Programme. He will have permanent access to a high-level government official responsible for emergency activities in the country, to discuss and resolve policy and operational issues that may arise during the implementation of the Programme.

15. The Government of Iraq shall cooperate in granting United Nations field staff access to the parts of the country requiring relief, by air or road as needed, to facilitate the implementation and monitoring of the Programme.

16. Intergovernmental organizations, NGOs and other relief agencies will be encouraged to participate in the implementation of the Programme, in close cooperation with the United Nations and under clearly defined terms of association agreed with the Government.

17. The Government of Iraq will help in the prompt establishment of United Nations sub-offices in support of UNHUCs and other programmes in towns. These will be selected so as to facilitate the relief Programme when required, to encourage the voluntary return of, and to provide essential assistance to, internally and externally displaced, as well as to local populations covered by the Programme.

18. A United Nations radio communication system which is an indispensable instrument for the success of relief and rehabilitation activities will be set up. The system will cover communications requirements within Baghdad and other cities covered by the relief Programme and within and outside the country, as appropriate.

19. In order to facilitate implementation of, and resource mobilization for, the relief Programme, the Government will make available cash contributions in local currency to help cover in-country operational costs while pursuing discussions regarding the establishment of a special exchange rate for relief operations carried out by the agencies and organizations participating in the Programme.

20. The implementation of the above-mentioned principles shall be without prejudice to the sovereignty, territorial integrity, political independence, security and non-interference in the internal affairs of the Republic of Iraq.

21. The above-mentioned principles shall apply for a period ending on 31 December 1991. Two weeks before the expiration of the said period, the principles and their operational modalities shall be reviewed with a view to assessing any further need for their operation.

Done at Baghdad on 3 Shawal 1411 of the Hijri, corresponding to 18 April 1991 A.D.

FOR THE GOVERNMENT OF THE REPUBLIC OF IRAQ

(Signed) H.E. Ahmed HUSSEIN
Minister of Foreign Affairs
of the Government of the
Republic of Iraq

FOR THE UNITED NATIONS

(Signed) H.E. Sadruddin Aga KHAN
Executive Delegate of the
United Nations Secretary-General
for the United Nations Humanitarian Programme
for Iraq, Kuwait and the Iraq/Iran
and Iraq/Turkey Border Areas